

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **April 3, 2007**

RE: **Analysis Report**

Balances As Of:	<u>3/28/07</u>	<u>3/29/06</u>
<u>GSD 4% RESERVE FUND</u>	* \$985,007	\$1,652,890
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,120,793	\$26,413,198
USD	\$12,243,660	\$8,770,800
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$37,755,710	\$17,566,775

* Assumes estimated revenues in fiscal year 2007 in the amount of \$7,623,587

– RESOLUTIONS –

RESOLUTION NO. RS2007-1821 (GILMORE & RYMAN) – This resolution approves a grant in the amount of \$1,103,300 from the state department of health to the Metropolitan health department for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual federal pass-through grant that pays the salaries of health department employees to provide these services. Pursuant to the grant agreement, the funds are to be used for HIV prevention, active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services.

The term of this grant is from January 1, 2007 through December 31, 2007.

RESOLUTION NO. RS2007-1846 (FOSTER) – This resolution provides a proposed amendment to the Metropolitan Charter to require that a special election be held to fill vacancies in the office of mayor and district councilmember whenever more than one year is remaining in the unexpired term. The Charter currently provides that a vacancy in the office of mayor is to be filled by a special election if more than nine months remain prior to the next general election. However, the same Charter section was amended in 1996 to provide that vacancies in the offices of councilmembers and the vice mayor remain vacant until the next general election.

The Council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. The council adopted one such resolution on September 19, 2006. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. This resolution provides that the date for holding the referendum election on the Charter amendment is to be the August 2, 2007 general election. State election law requires that resolutions requiring the holding of elections on questions submitted to the people must be held between 45 and 60 days after adoption of the resolution placing the question(s) on the ballot. Thus, this resolution should be deferred until the June 4, 2007, council meeting.

RESOLUTION NO. RS2007-1847 (RYMAN) – This resolution supplements and amends Resolution No. RS2007-1811 and awards the sale of general obligation refunding bonds in an amount not to exceed \$210,000,000. On March 20, 2007, the council approved Resolution No. RS2007-1811, which authorized the issuance of these refunding bonds. Invitations to bid on the sale of the bonds have been sent and the Metropolitan Government is ready to award the sale. These bonds will not result in the Metropolitan Government incurring any new debt, but is simply a refinancing of a portion of the debt from four previous bond issues.

There will be a substitute resolution awarding the sale of the bonds to the bidder with the lowest true interest cost to the Metropolitan Government.

RESOLUTION NO. RS2007-1848 (RYMAN) – This resolution amends the pay plan for the general employees of the Metropolitan Government by adding the position of Metropolitan Auditor. The position to be added by this resolution was created by Ordinance No. BL2007-1318, which was enacted by the Council on March 20, 2007. The salary range for this position will be between \$82,420 and \$158,991 annually.

RESOLUTION NO. RS20067-1849 (JAMESON & RYMAN) – This resolution approves a second amendment to the memorandum of understanding (MOU) between the Metropolitan Government, the Nashville Sounds, the industrial development board (IDB), the Metropolitan development and housing agency (MDHA), and Struever Bros. Eccles & Rouse (Struever) regarding the construction of a new \$43 million minor league baseball stadium and mixed-use development on the former thermal site property by extending the outside closing date. The MOU, which was originally approved by the council in February 2006 and extended in December 2006, essentially sets forth the agreement reached by the parties for the financing and construction of the ballpark and mixed-use development, and establishes the conditions that must be satisfied in order for the project to be constructed. The MOU includes an outside closing date as an express condition to the performance of the MOU.

One of the conditions that must be satisfied prior to closing is that the financing for the development be irrevocably committed. The Sounds are responsible for obtaining \$23 million in private financing, in addition to the \$20 million in tax increment financing to be secured by Struever for repayment of the debt on the construction of the stadium. The original agreement was first approved by the council in February 2006 with a closing deadline of December 31, 2006. The parties were unable to finalize the necessary financing prior to December 31, 2006, so the council approved an amendment to the MOU that extended the closing date until April 15, 2007. The Sounds and Struever are still unable to secure the financing, and have been unable to reach an agreement regarding an amendment to the financing structure. Therefore, the parties are again requesting an extension of the closing date to October 31, 2007. The ordinance approving the MOU provided that any future amendments may be approved by resolution of the council receiving twenty-one affirmative votes.

The council office would point out that this amendment merely changes the outside closing date. All of the other terms in the MOU, as amended, remain unchanged. The Sounds and Struever have yet to come to terms regarding cost overruns and control over the construction of the ballpark. According to Struever's proposal, which has not been agreed to by the Sounds, Struever would act as the "master developer" of the ballpark and would pay one-half of the costs of the construction drawings and the costs to obtain the guaranteed maximum price. Although the MOU estimates the construction costs of the ballpark to be \$43 million, the actual costs could likely be considerably higher. According to Struever's version of the agreement, it is estimated that the actual costs for the ballpark will be \$47 million. In addition, Struever has proposed fronting one-half of any cost overruns on the ballpark, which would be repaid by the Sounds upon completion of the construction.

The MOU expressly provides that the Sounds are responsible for 100% of the construction costs in excess of \$43 million. Further, the Sounds are required to provide collateral or security for cost overruns in a manner acceptable to Metro. In addition, the MOU designates the Sounds as the developer for the ballpark tract. If any of the above terms change, another amendment to the MOU would be required to be approved by the council.

Based upon public reports, it appears the Sounds and Struever have reached an impasse regarding changes that must be made in order to secure the financing to construct the ballpark. Although both the Sounds and Struever have agreed to an extension of the MOU, the council office is of the opinion that an extension of the closing date will not result in an agreement. Should the extension not be granted, the private parties can continue to negotiate and bring a revised agreement to the administration and the council at a later date.

This amendment to the MOU has been approved by MDHA and the IDB.

RESOLUTION NO. RS2007-1850 (RYMAN) – This resolution approves an application for an access to artistic excellence grant in the amount of \$50,000 from the National Endowment for the Arts to the Metropolitan arts commission. These funds will be used to pay a qualified arts management consulting firm, selected through an RFP process, to create a community cultural plan for Nashville. The goals for the plan are to present a comprehensive vision for the cultural development of Nashville over the next ten years. The consultant will use information derived from community meetings, interviews, focus groups, and planning sessions. The consultant is to be chosen by October 2007, and the plan is to be completed by December 2009. There will be a required match of \$50,000 to be provided from the arts commission budget.

RESOLUTION NO. RS2007-1851 (RYMAN & GILMORE) – This resolution accepts a grant in the amount of \$19,954 from the March of Dimes Birth Defects Foundation to the metropolitan board of health for a community-based screening and education program targeting teens at risk of pregnancy. These funds will be used to support the Birthing Project – Nashville program. This program enrolls at-risk pregnant teens and matches them with a dedicated woman in the community, known as a "Sister Friend", who provides information, individual attention, support and mentorship during pregnancy and for the first year after the child's birth. The term of the grant is from May 1, 2007 through April 30, 2008.

RESOLUTION NO. RS2007-1852 (RYMAN & GILMORE) – This resolution approves an amendment to a grant in the amount of \$75,000 from the state department of health to the Metro board of health to provide dental services to the homeless at the Downtown Clinic. These grant funds are used to cover the partial salary for an attending dentist to supervise dental care providers and to treat dental clinic patients. The funds are also used to employ an office assistant. It is estimated that services will be provided to approximately 1,200 patients. The term of the grant is from July 1, 2006 through June 30, 2007.

This resolution approves an amendment to the scope of services in the grant agreement to allow the health department more flexibility in contracting for dentist services. As stated above, the original agreement specified that the funds were to be used to employ an office assistant and to fund one-half of the salary of the attending dentist. The amended version provides that the health department will continue to provide dental services consisting of emergency, restorative, periodontal, prosthodontic, and dental hygiene treatment, but does not specify the positions to be contracted for.

RESOLUTION NO. RS2007-1853 (RYMAN & PEPPER) – This resolution approves an amendment to a grant in the amount of \$2,001,147 from the state emergency management agency to the Metropolitan Government for various homeland security functions. These federal pass-through funds are used for the following purposes:

- Replacement of personal protection equipment;
- Provide surgical staffing and equipment for alternate care sites in a mass disaster situation;
- Purchase of a grant management system;
- Purchase of response capability equipment;
- First responder training and equipment;
- Community preparedness training for community organizations;
- Purchase of equipment for the police department, including a bomb robot, night vision goggles, and a command vehicle; and
- Administrative costs.

This resolution extends the term of the grant until August 31, 2007, to allow the remaining funds to be expended.

RESOLUTION NO. RS2007-1854 (JAMESON, ISABEL & RYMAN) – This resolution approves a grant in the amount of \$50,000 from the Tennessee wildlife resources agency to the Metropolitan board of parks and recreation for the construction of a shorebird pond and associated observation areas in the Shelby Bottoms greenway. This grant will be used to construct a 5.5 acre pond, install a water control structure, plant appropriate vegetation, and construct the observation areas along with appropriate signage across from the new pedestrian bridge over the Cumberland River currently under construction. The pond's water levels will be adjusted at scheduled intervals throughout the year to attract a variety of migratory birds. The term of the grant is from January 1, 2007, through December 31, 2007.

RESOLUTION NOS. RS2007-1855 THROUGH RS2007-1859 – These five resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in "discretionary funds" to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

These five resolutions give grants to nonprofit organizations. The five organizations to receive funding through these resolutions have provided the necessary information required by both state and local law.

RESOLUTION NO. RS2007-1855 (CRAFTON) appropriates \$2,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Operation Stand Down Nashville, Inc. This organization provides social services to homeless veterans of the Armed forces of the United States. These funds will be used to provide support to veterans seeking employment.

RESOLUTION NO. RS2007-1856 (NEIGHBORS) appropriates \$2,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Renewal House, Inc. This organization provides programs to assist addicted mothers and their children. These funds will be used to pay a portion of the salary and fringe benefit costs of the staff.

RESOLUTION NO. RS2007-1857 (DREAD & PAGE) appropriates \$4,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Big Brothers Big Sisters of Middle Tennessee. This organization provides caring adult mentors for at-risk children. These funds will be used to provide general mentoring support.

The members of council requesting this grant and the amount designated from each are as follows:

Adam Dread	\$2,500
Anna Page	\$2,000

RESOLUTION NO. RS2007-1858 (RYMAN) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the American Red Cross (Nashville Area Chapter). This organization provides relief to victims of disasters and helps people prevent, prepare for and respond to emergencies. These funds will be used to provide partial funding for the Local Disaster Relief fund, which provides emergency assistance to victims of local disasters.

RESOLUTION NO. RS2007-1859 (TUCKER, WALLACE, & OTHERS) appropriates \$22,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Bethlehem Centers of Nashville. This organization provides programs and services to promote self-reliance and positive life choices for children, teens, adults, seniors, and families. These funds will be used to pay a portion of the costs for a driver, bus maintenance, painting, and fuel.

The members of council requesting this grant and the amount designated from each are as follows:

Carolyn Baldwin Tucker	\$5,000
Ludye N. Wallace	\$5,000
Emily Evans	\$3,000
Edward Whitmore	\$3,000
Ronnie Greer	\$2,000
Parker Toler	\$2,000
David Briley	\$1,750
Adam Dread	\$1,000

– BILLS ON SECOND READING –

ORDINANCE NO. BL2006-1266 (GILMORE) – This ordinance, as amended, would reinstate the waiver of the 2.5% processing fee for payments made by credit or debit card for payments made by senior citizens to the Metro trustee for property taxes effective July 1, 2007. State law mandates that local governments collect a credit or debit card processing fee not to exceed 5% when collecting funds on behalf of the government. However, this state law allows local governments to waive this

processing fee, which the Metropolitan Government elected to do by ordinance in 2001. In June of 2006, the council approved an amendment to the 2001 ordinance to repeal the fee waiver for processing the credit and debit card payments, except in the case of point of sale transactions. A point of sale transaction is where the goods or services are purchased directly from Metro face-to-face or "over the counter", such as payment for greens fees at Metro golf courses. The fee waiver was eliminated as a result of an abuse by rental property managers that pay a large amount of property taxes by credit card. The credit card companies charge a fee for certain payments made by credit card, which Metro was having to absorb.

This ordinance would reinstate the credit card processing fee waiver only for property taxes paid by credit or debit cards by property owners 62 years of age and older. All other non-face-to-face transactions, including property tax payments made by phone or Internet by persons under 62 years of age, would still be charged a 2.5% processing fee added when paying by credit or debit card. The additional \$1 million savings to be realized from the credit card processing fee was used to balance the fiscal year 2007 operating budget.

The director of finance has refused to certify that funds are available for this ordinance since waiving the processing fee for senior citizens making property tax payments over the phone or Internet by credit card would substantially reduce the estimated \$1 million savings. Further, it would be very difficult for the trustee to verify whether property owners making payments over the phone were 62 years of age or older. A copy of the finance director's letter is attached to this analysis.

ORDINANCE NO. BL2007-1372 (WALLACE, JAMESON & OTHERS) – This ordinance amends the Metro code to impose a permitting process and regulations on the placement of newsracks within the public right-of-way. Although the Metro code currently prohibits encroachments from being within the right-of-way without a permit, the Metropolitan Government has not enforced these code provisions against newsracks because of First Amendment free speech concerns. This ordinance was filed as a replacement for Ordinance No. BL2006-998, which would have prohibited any temporary or permanent encroachment in the public right-of-way without a permit from Metro. This ordinance would give the director of public works jurisdiction over permitting and regulating newsracks in the public right-of-way, and would give the public works director the authority to adopt appropriate rules and regulations to implement this ordinance.

Effective June 30, 2007, no newsrack would be allowed within the right-of-way without obtaining an annual permit from the department of public works. All persons responsible for existing newsracks within the right-of-way on June 30, 2007, must submit an application for a permit with a photograph showing proof of the current location. Those persons seeking new newsracks will have to file a permit application showing (1) the applicants name, address, and phone number; (2) the frequency of publication; and (3) the exact location on a map where the newsrack will be placed. No person or publication will be allowed more than one permit for a newsrack at any one intersection.

Along with the application, the applicant must submit a permit fee of \$50 for each single-unit freestanding newsrack, and \$10 per unit in a multi-unit fixed newsrack. A multi-unit newsrack is a newsrack that is permanently affixed to the ground and contains space for at least five publications. All permits will be issued for one year. A renewal application must be submitted within sixty days of the expiration of the permit along with a \$10 renewal fee. A permit for one location may be renewed only four consecutive times. A permit may be revoked by the public works director after 15 days written notice of a violation of this ordinance or the regulations promulgated by the director.

The ordinance provides that all permitted newsracks must be maintained in good repair and working order. Newsracks will not be permitted on any part of the right-of-way where motor vehicles are permitted, and must leave at least 36 inches of clearance for pedestrian travel. As stated above, the director of public works will have the authority to implement additional regulations pertaining to the location of newsracks that are not specifically detailed in the ordinance.

The director of public works will have the authority to seize a newsrack that is placed in the right-of-way in violation of this ordinance. Prior to seizure, the director must give written notice to the permit holder giving them 15 days to correct the violation. If the permit holder does not request a hearing and has not remedied the violation, the newsrack shall be removed from the right-of-way and stored by the department of public works. If the placement of the newsrack is installed or maintained in such a manner as to endanger any person or property, the newsrack may be removed immediately without prior notice to the permit holder. Once a newsrack is seized, the permit holder will have 30 days in which to claim the newsrack and pay a \$100 storage fee for a single freestanding newsrack or \$500 for a multi-unit fixed newsrack.

In order to withstand judicial scrutiny, the ordinance includes a detailed hearing procedure that must be followed prior to taking action against the permit holder, which gives the permit holder an opportunity to plead their case before the public works director as to why they are not in violation. A request for a hearing must be submitted to the director of public works within 5 days of receiving notice of the director's decision to deny an application, revoke a permit, or seize a newsrack. The hearing must be held within 25 days, and the permit holder may present evidence as to why the director's decision was in error. The director must render a final decision within 5 days of the hearing. The director's decision may be appealed by writ of certiorari to chancery or circuit court within 60 days from the date of the hearing. If a decision is appealed, the decision shall not take effect until the appeal proceedings have concluded.

The council office would point out that much time and effort has gone into the preparation of this ordinance in order to protect the First Amendment rights of publications using newsracks. The council office is of the opinion that the First Amendment concerns associated with Ordinance No. BL2006-998 have been adequately addressed in this ordinance.

There is a housekeeping amendment for this ordinance correcting a typographical error in the amount of the permit renewal fee.

ORDINANCE NO. BL2007-1373 (COLEMAN) – This ordinance amends Title 16 of the Metropolitan Code by adopting the 2006 edition of the International Residential Code for One and Two Family Dwellings. This routine ordinance update replaces the 2000 edition of this code. State law requires local governments to adopt building codes every six years. Copies of the new edition of the code are filed with the clerk.

The new version of the code includes several significant changes from the 2000 version, much of which is related to increased energy conservation requirements. In addition to the adoption of the uniform code, this ordinance includes certain local amendments, the vast majority of which are already in the code.

Ordinance No. BL2007-1390, also on second reading, is a companion bill that adopts codes for commercial and multi-family buildings, as well as the uniform fire, plumbing and mechanical codes.

ORDINANCE NO. BL2007-1374 (BRILEY, COLE & OTHERS) – This ordinance amends Title 16 of the Metropolitan Code to require sustainable building design standards for new and renovated Metropolitan Government buildings and facilities. Sustainable building design standards encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of occupant health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach. Although the Metropolitan Government has made a concerted effort over the past seven years to reduce energy consumption in Metro facilities and to promote site sustainability, there are no sustainable building provisions expressly contained in the building code.

This ordinance would require all new construction and renovations in excess of 5,000 square feet or exceeding \$2 million for which the planning or construction commences after August 1, 2007, to pursue LEED certification through the U.S. Green Building Council (USGBC) and to develop a strategy for LEED Silver certification. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design. There are currently four different rating levels for LEED certification: Certified, Silver, Gold, and Platinum.

This ordinance would apply to all Metropolitan Government departments, agencies, boards and commissions, with the exception of the Metropolitan Board of Public Education, the Metropolitan Transit Authority and the Metropolitan Housing and Development Agency. These excepted agencies have the sole authority under the Metropolitan Charter for the erection, maintenance and improvement of their facilities. In addition, the LEED certification requirements would not apply to Metro facilities that are to remain predominately unoccupied or to serve “specialized functions” such as thermal transfer functions, solid and/or toxic waste disposal functions, water and wastewater treatment functions, warehouse/storage functions, and mechanical functions.

In the event a Metro building or facility fails to obtain the required LEED certification within two years from the date the final use and occupancy permit is issued, the council would determine by resolution whether to relieve the government of pursuing the LEED certification. Once the council adopts a resolution continuing the requirement for LEED certification, the government would have an additional year in which to obtain the certification or have the use and occupancy permit revoked.

The director of finance has refused to certify that funds are available for the implementation of this ordinance. According to the finance director’s letter, mandating LEED certification would result in a 1% to 15% increase in costs to the Metropolitan Government for building construction and would require that additional employees be hired to implement the ordinance. A copy of the finance director’s letter is attached to this analysis.

ORDINANCE NO. BL2007-1386 (GILMORE) – This ordinance renames County Hospital Road between John Malette Drive and Briley Parkway as “Bordeaux Boulevard”. The planning department staff has mailed notices of this proposed name change to all residents on this section of County Hospital Road.

This ordinance has been referred to the planning commission and the ECD board. The ECD board did not meet in March due to a lack of a quorum. The board will not meet again until the end of April.

Pursuant to the Metro code, this ordinance cannot be enacted on third and final reading until a recommendation is received by the ECD board.

ORDINANCE NO. BL2007-1387 (WALLACE, DOZIER & OTHERS) – This ordinance names the grassy portion of the roundabout right-of-way located at the intersection of Division Street, 16th Avenue South, Music Square East, and Demonbreun Street, "Buddy Killen Circle". Buddy Killen (1933-2006) was a successful musician and businessman who became president of Tree Publishing in 1974. This ordinance would not change the names of any of the above streets on the official street and alley acceptance and maintenance map, but the ordinance provides that the department of public works is to erect the appropriate signage at the roundabout designating it as "Buddy Killen Circle".

This ordinance has been referred to the planning commission and the board of parks and recreation.

ORDINANCE NO. BL2007-1388 (WALLS) – This ordinance amends the Metro Code provisions applicable to pawnbrokers, secondhand dealers and junk dealers to reduce the reporting requirements for secondhand bookstores. The code currently requires persons dealing in secondhand goods to retain possession of items they purchase for fifteen days before they can be resold. Further, secondhand bookstores must submit daily reports to the police department of all used books they purchase indicating the name and author of the book, and the name, address and description of the person from which the book is purchased. This ordinance essentially exempts secondhand bookstores from these requirements. Rather, secondhand bookstores would be required to retain records of all used books they purchase, which records are to be available for review by the police department at any time. These purchase records are to be updated on a daily basis.

ORDINANCE NO. BL2007-1389 (GILMORE & MURRAY) – This ordinance amends the Metro Code to require the health department to notify the public upon the spraying of airborne pesticides. Specifically, this ordinance would require the health department to take the following actions in the event it is determined that pesticide spraying is necessary:

1. Post signs informing neighborhood residents that the department of health will be spraying airborne pesticides not less than forty-eight (48) hours prior to spraying pesticides in the area.
2. Upon request, provide residents written notice by email, U.S. mail, or telephone informing them when airborne pesticides will be sprayed in their neighborhood.
3. Provide a 300-foot buffer zone around property that is on the "no-spray list". The buffer will not be required if the director of health determines that an emergency situation exists as a result of high mosquito populations and life threatening human infection has been documented in the area scheduled to be sprayed.
4. Airborne pesticides are not to be sprayed within 48 hours of any air quality alert.

The health department currently honors requests from individual homeowners that do not wish to have their property sprayed for mosquitoes. Individuals can contact the health department by phone or email to request that they be placed on the no-spray list.

The director of finance has refused to certify that funds are available to implement this ordinance. According to the finance director's letter, this ordinance would cost at least \$35,300 annually to administer. Due to the increased costs of healthcare for inmates in the custody of the sheriff, a

supplemental appropriation will be required at the end of this fiscal year to balance the health department's budget.

ORDINANCE NO. BL2007-1390 (COLEMAN, WILHOITE & ALEXANDER) – This ordinance amends the Metro Code by adopting the latest edition of several standard codes. Copies of the new editions of the standard codes are on file with the Metropolitan Clerk. Metro adopts new codes when they are amended and updated, which is generally every few years. The last time new standard codes were adopted was in September of 2002 for the 2000 standard code editions. This ordinance is a companion to Ordinance No. BL2007-1373, which is also on second reading. State law requires local governments to adopt a building code edition that is within six years of the latest published editions. Generally, Metro also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. This ordinance adopts the 2006 editions of the fire prevention and life safety code, the international building code, the international energy conservation code, the international fuel gas code, the international mechanical code, and the international plumbing code. The various building and fire codes are adopted at the same time to avoid conflicts between the various codes. The new standard codes have been approved by the board of fire and building code appeals, the board of plumbing examiners and appeals, and the board of gas/mechanical examiners and appeals.

As stated above, in addition to adopting the standard codes, this ordinance adopts some local amendments. These amendments basically make the new code read in the manner that is consistent with the previous language. The local amendments also make the codes consistent with Metro's regulatory and appeals processes and in compliance with state law.

There are two major changes to the fire code regarding the installation of sprinklers. Under the new code, sprinklers will be installed in all new residential buildings other than single and two-family structures. Further, sprinklers will be required in all restaurants with a 100-person maximum occupancy or more, as well as in all group homes.

ORDINANCE NO. BL2007-1391 (SUMMERS, TUCKER & OTHERS) – This ordinance would require all Metro departments, agencies, boards, and commissions to respond to council information requests within 30 days. If additional time is needed to adequately provide the information, the department would be required to send a letter to the Member of Council requesting the information within 30 days stating that additional time is needed and providing an estimate of when the information will be submitted to the council.

The council office would point out that the council already has the authority through the budget process to decrease the operating budgets of departments that do not respond to council requests. Further, Rule 27 of the Council Rules of Procedure provides that "no resolution or ordinance involving the appropriation or expenditure of funds may be considered by the Metropolitan Council if the department, agency or office benefiting from the appropriation or expenditure has failed for thirty or more days to respond to information requested by the Metropolitan Council or any committee of the Metropolitan Council."

ORDINANCE NO. BL2007-1392 (ISABEL, TYGARD & OTHERS) – This ordinance authorizes the director of public property administration to accept easements for use in the development of the

Harpeth River and Cumberland River greenway systems. The Harpeth River greenway easements to be accepted are as follows:

- 938 Footpath Terrace
- Morton Mill Road, unnumbered
- Old Harding Pike, unnumbered
- 2 Old Harding Pike
- 781 Harpeth Bend Drive
- CSX Railroad right-of-way
- Old Harding Pike right-of-way
- Highway 100 right-of-way

The Cumberland River greenway easements to be accepted are as follows:

- 1702 2nd Avenue North
- 1818 Cement Plant Road
- 90 Van Buren Street
- 1226 2nd Avenue North
- 1138 2nd Avenue North
- 1136 2nd Avenue North
- 1115 1st Avenue South
- 1000 2nd Avenue North
- 1512 2nd Avenue North
- 1st Avenue North, unnumbered

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1393 (FORKUM, RYMAN & ADKINS) – This ordinance authorizes the director of public property administration to accept a 0.62 acre parcel of property from Habitat for Humanity, Inc., for use as part of the parks system. The Providence Park subdivision developed by Habitat for Humanity was designed to include a public park. This ordinance has been approved by the board of parks and recreation and the planning commission.

ORDINANCE NO. BL2007-1397 (WHITMORE) – This ordinance abandons a portion of Alley # 627 between Alley # 623 and Alley # 624 located north of Clifton Avenue and west of Spruce Street. This alley closure has been requested by Spruce Street Baptist Church. All easements are being abandoned by Metro. The closure of this alley will allow the church to construct a home for the disabled on the property. Consent of affected property owners is on file with the department of public works.

This ordinance has been approved by the planning commission and the traffic and parking commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2006-1065 (WALLACE) – This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit chain link fences along arterial and collector streets. The code currently prohibits the use of barbed or razor wire on fences along sidewalks within the urban

services district. This ordinance would essentially prohibit any chain link fence along the right-of-way of a collector or arterial street, which are the classifications used for the major streets and roads in Davidson County. This ordinance would apply to both the urban services district and the general services district, and would prohibit chain link fences in both commercial and residential areas. The ordinance expressly exempts temporary fencing and fences used around places of incarceration.

The council office would point out that this ordinance could result in a substantial cost to the Metropolitan Government, especially schools, if Metro facilities were required to have stone, brick or wood fences. A list of all arterial and collector streets, as well as a map showing the streets, has previously been provided to the council.

SUBSTITUTE ORDINANCE NO. BL2006-1304 (RYMAN, LORING & WHITMORE) – This substitute ordinance names the portion of Gateway Boulevard between South Second Street (on the east side of the Korean War Veterans Memorial Bridge) and Fourth Avenue South as “Korean War Veterans Memorial Boulevard”. In January 2006, the council renamed the Gateway Bridge as the “Korean War Veterans Memorial Bridge.” This ordinance would rename the portion of Gateway Boulevard tying the bridge into downtown to coincide with the name of the bridge.

The council office would point out that in June of last year the council renamed this portion of roadway (formerly Franklin Street) as “Gateway Boulevard”, which was five months after the bridge was named.

This ordinance has been approved by the ECD board, and disapproved by the planning commission.

ORDINANCE NO. BL2007-1366 (BROWN) – This zoning text change would allow signs with changeable text, graphics or displays to be erected in the commercial limited (CL) zoning district. These signs are currently permitted in the more intense commercial and industrial districts, but are prohibited in the office, mixed-use, commercial neighborhood and commercial limited districts. This ordinance would allow signs with changing graphics but would not allow video signs.

This ordinance was disapproved by the planning commission.

ORDINANCE NO. BL2007-1375 (RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation (TDOT) to relocate certain department of water and sewerage services’ facilities within the I-65 right-of-way between Wedgewood Avenue and Craighead Avenue. This utility relocation is necessary in order for TDOT to install noise abatement walls in the area. Metro will be responsible for 100% of the relocation costs, estimated to be \$9,000, which will be paid from the water and sewer extension and replacement fund. This is a typical agreement entered into by Metro and TDOT for the relocation of utilities associated with state highway improvement projects.

ORDINANCE NO. BL2007-1376 (TOLER & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Centex Homes to provide public sewer service to the Villas of Concord Place subdivision in Davidson County. The developers will be required to contribute \$2,000 per connection in aid of construction for a total of 76 town home connections. This \$152,000 contribution will be deposited into the water and sewer extension and replacement

fund. This is a typical participation agreement entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

ORDINANCE NO. BL2007-1377 (LORING) – This ordinance approves the adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government made during the previous year. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2007-1378 & BL2007-1379 – These two ordinances accept contributions from private developers/property owners for infrastructure improvements to be made by the department of public works that will enhance their developments. These funds will be deposited into a fund designated by the director of finance as a contribution towards the improvements.

Ordinance No. BL2007-1378 (Shulman & Ryman) accepts \$83,601 from H.G. Hill Realty, LLC for the milling and resurfacing of Hillsboro Circle from Abbott Martin Road to Hobbs Road.

Ordinance No. BL2007-1379 (Summers, Evans & Ryman) accepts \$40,000 from BMT Associates, LLC for a traffic signal at 4317 Harding Pike, which is the location of the Belle Meade Town Center development.

ORDINANCE NO. BL2007-1380 (JAMESON) - This ordinance authorizes the SBER Development Holdings, LLC to install and maintain a stair tower encroachment to connect the Shelby Street pedestrian bridge with the ground between First Avenue South and the rail platform. The memorandum of understanding between the Sounds, Struever Bros, Eccles & Rouse (SBER) and Metro requires SBER to construct pedestrian access from the Shelby Street bridge through the mixed-use tract to the ballpark tract. This encroachment is necessary for this required pedestrian access to the bridge. SBER has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the stairway, and is required to provide a \$1 million certificate of public liability insurance naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2007-1381 (HAUSSER) – This ordinance abandons the right-of-way for Alley No. 918 between 21st Avenue South and Alley No. 922. The ordinance also abandons Alley No. 922 from Magnolia Boulevard to Alley No. 918. This closure has been requested by Belmont United Methodist Church to allow for new construction. This portion of right-of-way is no longer needed for government purposes. Consent of the affected property owners is on file with the department of public works. All easements will be retained by the Metropolitan Government. This ordinance has been approved by the planning commission and the traffic and parking commission.